

Department of Health
Notice of Rulemaking Hearing
Board of Optometry
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Optometry to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-8-112. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CST) on the 24th day of October, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 1045-2-.09, Ocular and Contract Lens Prescriptions and Office Equipment, is amended by adding the following language as new paragraph (2), and renumbering the present paragraphs (2) and (3) as paragraphs (3) and (4):

- (2) A contact lens prescription shall expire one (1) year after the date on which the prescription was issued, unless the optometrist who issued the prescription specifies an earlier expiration date based solely on the optometrist's professional judgment regarding the ocular health of the patient.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-8-112, and 63-8-126.

Rule 1045-2-.10, Disciplinary Actions, Civil Penalties, Declaratory Orders, Assessment of Costs, and Subpoenas, is amended by deleting the catchline in its entirety and

substituting instead the following language, and is further amended by adding the following language as new paragraph (6) and renumbering the present paragraphs (6) and (7) as paragraphs (7) and (8), so that as amended, the new catchline and the new paragraph (6) shall read:

1045-2-.10 Disciplinary Actions, Civil Penalties, Declaratory Orders, Screening Panels, Assessment of Costs, and Subpoenas.

- (6) Screening Panels - The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-8-112, 63-8-120, and Public Chapter 234 of the Public Acts of 2005.

1045-2-.11, Scope of Practice, is amended by adding the following language as new paragraph (6):

- (6) Use of Titles - Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the titles “Optometrist,” “Doctor of Optometry,” “Optometric Physician,” or “O.D.” and to practice optometry, as defined in T.C.A. §§ 63-8-102. Violation of this rule or T.C.A. §§ 63-8-113 and 63-8-120 regarding use of titles shall constitute unprofessional conduct and subject the licensee to disciplinary action.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-8-102, 63-8-112, 63-8-113, 63-8-120, and Public Chapter 467 of the Public Acts of 2005.

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Contact who can answer questions concerning this notice of rulemaking hearing,

technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Optometry.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 12th day of August, 2005.

Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2005.

Riley C. Darnell
Secretary of State

By: _____